

**Minutes of a Special Session of the Common Council of the Town of
Clarkdale
Held on Tuesday, February 25, 2020 at 3:00 P.M.**

A Special Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, February 25, 2020, at 3:00 P.M. in the Clark Memorial Clubhouse, Men's Lounge, 19 N. Ninth Street, Clarkdale, Arizona.

CALL TO ORDER – Meeting was called to order at 3:00 P.M. by Mayor Von Gausig.

Town Council:

Mayor Doug Von Gausig
Vice Mayor Richard Dehnert
Councilmember Scott Buckley

Councilmember Bill Regner
Councilmember Debbie Hunseder

Town Staff:

Town Manager Tracie Hlavinka
Public Works Director Maher Hazine
Police Chief Randy Taylor
Community Development Director Ruth Mayday
Town Clerk Mary Ellen Dunn

PUBLIC COMMENT – The Town Council invites the public to provide comments at this time. Members of the Council may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. §38-431.01(G), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. Persons interested in making a comment on a specific agenda item are asked to complete a brief form and submit it to the Town Clerk during the meeting. Each speaker is asked to limit their comments to five minutes.

Verde Valley Humane Society representatives Michelle Dube and Kelly Tisdale addressed Council with information regarding the Humane Society services.

PRESENTATION IN RECOGNITION OF PUBLIC WORKS STAFF – Town Manager Hlavinka, Public Works Director Hazine, and Police Chief Taylor introduced the Public Works Department and recognized the accomplishments of the team: Chris Livas, Bo Howard, Kit Kreiner, Terry Norman, Elpidio Rangel, David Brinkley, Efren Murillo; additionally recognized for services in the Utilities Department: David Brinkley, Ellen Yates, Bo Howard, Ed Loesche, Santiago Para, Geoff Ray; Virginia Smith was recognized for documentation in the Cemetery department. Benson Yazzie, the Town mechanic for Town fleet was recognized for services in fleet maintenance. Ellen Yates was recognized for work and application for the State's Best Tasting Water Award two years in a row. Finally Terry Norman and Elpidio Rangel were additionally recognized for their work in professionalizing the work table and interior of the Town Manager's office.

PRESENTATION BY THE YAVAPAI-APACHE NATION REGARDING DISTRIBUTION OF GAMING REVENUES UNDER PROPOSITION 202

Chairman Jon Huey and Councilwoman Shirley presented the Proposition 202 check in the amount of \$18,370.00 the Arizona ????.

CONSENT AGENDA - The consent agenda portion of the agenda is a means of expediting routine matters that must be acted on by the Council. All items are approved with one motion. Any items may be removed for discussion at the request of any Council Member.

- A. Reports** - Approval of written Reports from Town Departments and Other Agencies
Building Permit Report – December 2019, January 2020
Capital Improvements Report – January 2020
Magistrate Court Report – January 2020
Water and Wastewater Report – January 2020
Police Department Report – January 2020
Special Events Liquor License Recommendations – Car Show and Chili Cookoff, March 14, 2020
CAT/LYNX Transit Report – January 2020
Verde Valley Humane Society Report – January 2020
- B. Arizona Violent Death Reporting System (AZ-VDRS)** - Approval of Clarkdale Police Department's participation in the Arizona Violent Death Reporting System through Arizona State University (ASU).
- C. Proclamation, "Stand With Me, Be Drug Free Week"** – Approval of a proclamation regarding the Matforce campaign to elevate public awareness of substance abuse in the community and to commend those community members who choose to stay drug free.

Action: Approve Consent Agenda items A – C as presented.

Motion: Councilmember Buckley

Second: Councilmember Hunseder

Vote:

Voting Member	Aye/Nay
Council Member Scott Buckley	Aye
Vice Mayor Richard Dehnert	Aye
Council Member Debbie Hunseder	Aye
Council Member Bill Regner	Aye
Mayor Doug Von Gausig	Aye

NEW BUSINESS

PUBLIC PARTICIPATION STRATEGY FOR 2020 GENERAL PLAN - Discussion and possible action regarding staff's public participation strategy for the 2020 General Plan.

Arizona Revised Statutes requires jurisdictions in the state to develop and approve a General Plan every ten (10) years. The purpose of the General Plan is to provide guidance to the community, public bodies, and the general public regarding growth and development over the next ten (10) years. Adopted on October 11, 2012, the 2012 General Plan is valid until October 11, 2021.

Authority for creation of a General Plan is found in Arizona Revised Statutes Title 9 Cities and Towns, Chapter 4, General Powers, Article 6, Municipal Planning. The regulatory framework for these plans is set forth in A.R.S. 9-461.05 through 9-461.07, where requirements for specific elements are set forth, along with requirements for coordination with other agencies and statutory actions that must be taken, among other things. A draft calendar is attached herewith as Exhibit 1.

Elements

Each plan is divided into elements, which are designed to address specific topics relative to planning, growth, and development. All General Plans are required to include Land Use and Circulation elements, which address how land is to be used generally (Land Use Designations), and the layout of streets and roads serving the municipality. In addition, each Plan is required to define major and minor amendments and procedures for the adoption thereof, along with a statement of community goals and development policies. It shall also include maps, diagrams, and text necessary to communicate the Plan to the public.

For cities and towns with populations greater than 2,500 persons but less than 10,000 (e.g., Clarkdale) population, five (5) additional elements are required: Open Space, Growth Areas, Environmental, Cost of Development, and Water Resources. Inclusion of the following elements is optional for municipalities under 50,000 in population: Conservation, Recreation, Transportation, Public Services and Facilities, Public Buildings, Housing, Conservation, Rehabilitation, and Redevelopment; Safety, Bicycling, Energy, and Neighborhood Preservation.

Clarkdale's 2012 Plan included 12 elements: Land Use, Circulation, Education, Open Space, Water Resources, Environmental Planning, Cost of Development, Growth Area, Housing, Community Design, Economic Development, and Sustainability. Of those elements, only seven (7) are statutorily required; the Town chose to include Education, Housing, Community Design, Economic Development, and Sustainability to provide bases for developing policies around these important community components.

Chapter	Element	Requi red	Optio nal	Suppl emen tal
Chapter 1	Introduction		X	

Chapter 2	Land Use	X		
Chapter 3	Circulation	X		
Chapter 4	Education			X
Chapter 5	Open Space		X	
Chapter 6	Water Resources		X	
Chapter 7	Environmental Resources		X	
Chapter 8	Cost of Development		X	
Chapter 9	Growth Areas		X	
Chapter 10	Housing		X	
Chapter 11	Community Design			X
Chapter 12	Economic Development			X
Chapter 13	Sustainability			X
Chapter 14	Recreation		X	

Statutory Actions

Under the statute (A.R.S. 9-461.06), adoption of a Public Participation Plan (PPP) by the governing body (in this case, Town Council) is mandated. As set forth in the statute, the following are to be achieved:

- 1) Adopt(ion of) written procedures to provide effective, early and continuous public participation in the development and major amendment of general plans from all geographic, ethnic and economic areas of the municipality.
 - a) Provide broad dissemination of proposals and alternatives
 - b) The opportunity for written comments
 - c) Public Hearings after effective notice
 - d) Open discussions, communications programs and information services
 - e) Consideration of public comments

- f) Consult with and provide an opportunity for official comments from adjoining jurisdictions, utility companies, and other public officials and agencies.

Staff has outlined a draft PPP, which is included in this report as Exhibit 2. The plan encourages the public to attend and participate in discussions at the monthly Planning Commission meetings as each element is reviewed and discussed. It also provides for links on the Town website to the draft elements for review and comment by the public for those who are not able to attend meetings or prefer to submit their comments in writing.

With respect to open discussions, communications programs and information services, Staff will be attending meetings and participating in other public speaking opportunities to encourage participation by the public. Service clubs, school board meetings, HOA meetings, and similar organizations are only a few of the opportunities to disseminate information regarding the GP.

Local media outlets are also excellent sources for outreach. Staff will be providing local print, radio, and TV outlets with meeting schedules to encourage their attendance and assist in publicizing the GP rewrite process.

Once a final draft has been composed, the Community Development Department is required to forward copies to the following agencies for review and comment, at least sixty days in advance of the statutory public hearing before the Planning Commission:

- a) Yavapai County Development Services Department
- b) Contiguous jurisdictions (Cottonwood, Jerome)
- c) Northern Arizona Council of Governments (NACOG)
- d) Arizona Commerce Authority (ACA)
- e) State Land Department (ASLD)
- f) Arizona Department of Water Resources (ADWR)

Prior to adoption of the General Plan, two (2) public hearings are required: one (1) before the Planning Commission and one (1) before the Town Council. Notification of the Hearings is at least fifteen days but no more than thirty days prior to the meeting; publication at least once in a paper of general circulation is required. Other means of notifying the public are at the discretion of the jurisdiction. Once approved by Town Council, it can be ratified by the public at the next regularly scheduled municipal election, or at a special election scheduled at least 120 days after the adoption of the Plan by Council.

For the 2012 General Plan, Council appointed a seven (7) member General Plan Committee, along with approximately 37 volunteers who participated in Focus Groups. An updated list of those names is attached as Exhibit 3. Staff recommends reestablishing both the Committee and the Focus Groups to provide additional opportunities for public input and comment.

The General Plan is crucial to the growth and development of the community; it is a foundational policy document to which all zoning changes and land uses must be tied. Staff looks forward to working with the Council and the community to create the vision for Clarkdale for the next ten (10) years.

Community Development Director Ruth Mayday presented information on this agenda item to Council. Mayday explained how the General Plan Committee, Design Review Board and Planning Commission will work together. She explained that focus groups could be developed to address specific elements of the Plan. Councilmember Regner noted he would like to revisit the possibility of having Historic Preservation a stand alone item under supplemental elements and Mayor Von Gausig noted he would like a monthly update report.

Action: Approval of the Public Participation Plan.

Motion: Councilmember Regner

Second: Councilmember Hunseder

Vote:

Voting Member	Aye/Nay
Council Member Scott Buckley	Aye
Vice Mayor Richard Dehnert	Aye
Council Member Debbie Hunseder	Aye
Council Member Bill Regner	Aye
Mayor Doug Von Gausig	Aye

CREATION OF GENERAL PLAN 2022 COMMITTEE AND MEMBER APPOINTMENTS - Discussion and possible action regarding adoption of Resolution #1623, creating the General Plan 2022 Committee and appointment of members.

In 2009, Town Council created a General Plan Update Committee and appointed nine (9) residents of the Town to the Committee upon the adoption of Resolution No. 1291 on February 24, 2009. The number of members was reduced to seven (7), after the adoption of Resolution No. 1344 on August 31st of 2010.

Staff is again recommending the creation of a General Plan 2021 Committee to facilitate the update to the current General Plan, which expires on October 11, 2021.

After careful consideration of experience and qualifications, Staff also recommends and appointing the following residents thereto:

Sheila Sandusky
Sandy Booth (withdrew)
Drake Meinke
Nathan Porter
Dan DeStefano
Gianna Goudreau
Ruth Wicks
Laura Wilper, Alternate

Mayday explained that with the withdrawal of Sandy Booth, Laura Wilper will become the seventh member and an alternate name will be brought back at a later date.

Action: Adoption of Resolution #1623 creating the 2022 General Plan Committee and appointing the following residents to the committee:

Sheila Sandusky
Nathan Porter
Gianna Goudreau
Laura Wilper

Drake Meinke
Dan DeStefano
Ruth Wicks

Motion: Councilmember Buckley

Second: Councilmember Regner

Vote:

Voting Member	Aye/Nay
Council Member Scott Buckley	Aye
Vice Mayor Richard Dehnert	Aye
Council Member Debbie Hunseder	Aye
Council Member Bill Regner	Aye
Mayor Doug Von Gausig	Aye

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE TOWN CLERK MAKING AMENDMENTS TO THE TOWN OF CLARKDALE ZONING CODE – Discussion and possible action regarding Resolution #1621, making amendments to the Town Zoning Code.

In an effort to streamline processes and facilitate development in Clarkdale, staff was tasked with reviewing the development approval process to determine what, if anything, could be done to remove barriers to project approval. During the review process, it became apparent that the review of Site Plans by the Design Review Board (DRB) presented a number of problems.

Typically, the purpose of Design Review (whether it is at staff or public body level) is to review the aesthetics of new and infill construction and its impact on the built environment. While the Design Review Board plays an important role in reviewing the

visual impact of projects in the town, the review of the technical information included in Site Plan Review (SPR) exceeds the intent and purview of the DRB. Absence of professional experience in planning, zoning, and engineering by reviewers creates risk for the town, as the DRB has the ability to supersede staff decisions based on staff expertise and substitute visual appeal as a basis for making technical decisions.

Second, certain requirements found in Section 11-130 Approval Standards and Criteria for Site Plan Review are applicable only to projects subject to this process rather than all non-single-family residential projects. For instance, there are a number of requirements for parking (configuration of parking lots, connectivity, location of off-street parking) that should apply to all multi-family, commercial, industrial, and other non-SPR projects. As currently configured, many cannot be applied to development not subject to SPR.

Third, the process for SPR delays review and approval by 30 or more days. Posting and publication of public hearing notices 15 day in advance of the meeting is required; Project review, dissemination of staff reports and exhibits to board members, and holding the meeting also require an additional 15 to 30 days, depending upon when the application is received. Shifting the obligation from DRB to staff greatly reduces the SPR timeframe.

During the October 22, 2019 Special meeting, staff discussed the proposed amendments with Town Council and requested direction with respect to the text changes. Council directed staff to proceed with the amendment process; this hearing is the first step of that process as set forth in Section 11-180 Amendments to the Code.

The Town of Clarkdale represents the ideal conditions in which design review ought to be implemented: it has a downtown with an ample supply of well-preserved historic buildings and structures surrounding Clarkdale Park, a traditional town square park centrally located and well within walking distance of both established and new residential neighborhoods.

The existing housing stock and commercial/industrial structure inventory reflect the community's long-held interest in preserving its unique appeal while allowing for infill development. New construction, especially residential, tends to reflect historic design themes found throughout Old Clarkdale. The resulting visual impact creates the elusive "sense of place" newer communities throughout Arizona long to emulate. It also establishes an identity for the town that is independent of yet complimentary to neighboring communities.

Appointment to, the composition of, and the purpose of the Design Review Board (DRB) is set forth in Chapter 17, Boards and Commissions, and Article 17-4 Design Review, of the Town of Clarkdale's Town Code. Like most public bodies under the jurisdiction of the Town Council, members are appointed by Council and serve at their will. There are no specific requirements for appointment with respect to design, planning, engineering, or architectural experience or expertise.

Disposition of cases heard by DRB for design review are limited to the following:

- 1) Approve
- 2) Conditionally Approve
- 3) Disapprove

For Site Plan Review, the disposition of cases is similar: Approve as filed, Deny as filed, or Approve the request with conditions/stipulations.

Section 11-0100 Review and Approval Authority also vests final approval of design and site plan with the DRB: "The decision of the Design Review Board is final unless an appeal is filed in accordance with the proper procedures identified in Article 17 of the Town Code."

Appeal of the decisions of DRB may be made by the applicant or any member of Town Council.

Within the Zoning Ordinance, DRB has been tasked with two (2) separate types of review: Design (for which it was initially created) and Site Plan review. The Purpose set forth in code for both Design Review and Site Plan Review are nearly identical, yet the practical application of both processes are very different.

Section 11-1 Purpose and Applicability of Design Review implements and codifies the community's interest in not just preserving the built environment, but ensuring that new construction reflect the scale and visual impact of existing structures. The standards for review include the following categories:

Architectural Merit	Proportion
Openings	Pattern
Spacing	Entrances, Porches and Projections
Material, Texture and Color	Roofs
Architectural Details	Accessory Features
Landscaping	Lighting

The criteria for each category focus on visual compatibility with existing structures, exterior finishes, materials, and other aesthetic details that guide the appearance of the structure, rather than the structural integrity and design of the building, site, and related infrastructure.

Site Plan Review (SPR), on the other hand, asks the DRB to review the *technical* aspects of an application. With the exception of DRB oversight, the SPR process is nearly identical to the staff-level process employed by most jurisdictions for this type of review. The standards and criteria set forth in Section 11-13 presuppose a level of professional knowledge not generally found on public bodies. In fact, few jurisdictions subject projects to Site Plan Review by a public body, relying instead on professional staff to review and approve technical plans.

Comparative Review

Staff reviewed design review requirements for six (6) jurisdictions as part of this report: Tempe, Prescott, and Cottonwood (based on experience with DRB and proximity to Clarkdale) and Pinetop-Lakeside, Williams, and St. Johns, all of which are similarly sized in terms of population.

The City of Tempe's Development Review Commission (DRC) is a seven (7)-member commission with three (3) designated alternates. At least three (3) of the regular members and one (1) of the alternates must currently be practicing in a development related field. (See Exhibit 1: Design Review in other communities). The City of Prescott employs design review in its historic district only; review and approval of site plans is via the Technical Review Committee, which consists of the Public Works Director, City Engineer, Building Official, Fire Chief, and Community Development Director. For the City of Cottonwood, the Planning Commission sits as the reviewing body and considers visual impact and compatibility only. Like Tempe, Cottonwood requires at least two (2) commissioners to possess specific experience in development or design.

Three (3) additional communities similar in size to Clarkdale were also considered. Pinetop-Lakeside vests all review and approval of design and site plans in the Development Services Director. Williams, like Prescott, reserves this type of review for its historic district only, and requires "interest, experience, or knowledge" in history, architecture, planning, archaeology, real estate, historic preservation, law, or a related field to serve on the Commission. It also states a preference for at least two (2) professionals ("To the extent available in the community....") to sit on the board. Staff also evaluated the City of St. John's requirements; there is no specific Design Review board, only a staff review of development proposals.

Proposed Text Amendments

Following is a review of the purpose for Site Plan Review, an analysis of the regulations and criteria for each subsection of SPR, and recommendations for reassigning the responsibilities therein.

Section 11-9 Purpose and Applicability for Site Plan Review

The Site Plan Review procedures are intended to protect the public health and safety and promote the general welfare of the community. These processes are intended to facilitate the organization of development of commercial and industrial property. *They are also intended to ensure that new development and redevelopment is compatible with the surrounding environment, and to preserve and protect the integrity and character of the Town of Clarkdale, as applicable.* (Emphasis added for the purpose of this review)

Section 11-13 (1) UTILIZATION OF THE SITE sets forth ten criteria for review by DRB. Of those, seven (7) are addressed at least in part in Design Review (Building Placement,

entrances, orientation, scale, viewshed and ridgeline protection); Hillside Development and Natural Drainage both have substantial engineering components that warrant review by subject matter experts rather than public bodies.

Subsections 2. TRAFFIC ACCESS AND PARKING and 3. PEDESTRIAN ACCESS regulates on-and off-site circulation of vehicle and pedestrian traffic. The criteria and requirements set forth in the seven (7) subsections are largely technical in nature, referring to Levels of Service (LOS) on adjacent roadways, Vehicle Trips per Day, size and location of parking stalls and drive aisles, and similar considerations. Those standards referencing parking requirements are best included in Chapter 4, General Provisions, Section 4-0120, Off-Street Parking and Loading, rather than SPR regulations.

Subsections 4. STORMWATER MANAGEMENT, 5. EROSION CONTROL, 16. FLOOD PLAIN MANAGEMENT, 10. GROUNDWATER PROTECTION, and 11 WATER QUALITY PROTECTION regulate a given site based on its ability to control storm runoff, erosion, and impacts to flood prone areas within Clarkdale and adjacent Yavapai County, as well as protect the source and quality of drinking water in Clarkdale. The calculations to determine sheet flow depth, velocity, storm drain capacity, and related considerations are decidedly technical in nature and should be subject to review by qualified staff rather than a public body.

Subsections 6. WATER SUPPLY PROVISIONS, 7. SEWAGE DISPOSAL PROVISIONS, and 8. UTILITIES are again based on calculations dependent upon usage (residential vs. commercial vs. industrial), system capacity, and location. Extensions of the infrastructure related to these services should be considered within the parameters of the General Plan and the Capital Improvements Plan in addition to generally accepted planning practices.

Subsections 9. NATURAL FEATURES and 21. LANDSCAPING describe the criteria for preservation of existing vegetation and addition of vegetation, decorative rock, and other features generally regulated by landscape requirements adopted as general or specific regulations of the zoning code. In the case of the Town of Clarkdale, the regulations found in Subsections 9 and 21 would be better suited to a more detailed Chapter 9, LANDSCAPE DESIGN STANDARDS.

Subsections 12. HAZARDOUS, SPECIAL, AND RADIOACTIVE MATERIALS, 14. SOLID WASTE MANAGEMENT, 19. NOISE, and 20. STORAGE OF MATERIALS govern the management of noxious uses and effects of development. Typically, these effects are mitigated with regulations found within general regulations (Chapter 4, General Provisions) and landscaping requirements of the zoning code.

Subsection 17. EXTERIOR LIGHTING duplicates the provisions of Chapter 8, Outdoor Lighting; regulations are more effectively applied through the zoning code rather than design review. Similarly, the criteria for buffering of new development in Subsection 18 are best administered through Section 4-080 Fence Height, as well as setback regulations in specific zoning districts and landscape requirements in Chapter 9.

Subsection 22 BUSINESS SIGNS requires a Comprehensive Sign Package (CSP) for Site Plan Review for all new construction. Section 7-020 (J) refers to a master sign package for new commercial, multi-family and residential subdivisions. Given the First Amendment issues inherent in sign regulations, signage is best regulated by professional staff with review by the DRB of visual effect and impact only.

Hearings:

A public hearing was held on January 8, 2020 after notification in compliance with A.R.S 9-462.04 and Section 11-180 Amendments to the Code of the Clarkdale Zoning Code. After a presentation by Director Mayday and a lengthy discussion with the Board, the DRB agreed that the Site Plan Review (SPR) process is better conducted at the staff level rather than by the Board. As this item was scheduled as a public hearing, no action was required.

The amendments were heard in a public hearing before the Planning Commission on February 20, 2020 after notification as above. Staff will present the recommendation of the Planning Commission during the February 25, 2020 Town Council public hearing.

Community Development Director Ruth Mayday presented information on this agenda item to Council. Mayday confirmed that the notification process in this has the same statutory requirements as the prior Site Plan Review system.

Action: Approve Resolution #1621, a resolution of the Mayor and Council of the Town of Clarkdale, declaring as a public record that certain document filed with the Town Clerk making amendments to the Town Zoning Code.

Motion: Vice Mayor Dehnert

Second: Councilmember Regner

Vote:

Voting Member	Aye/Nay
Council Member Scott Buckley	Aye
Vice Mayor Richard Dehnert	Aye
Council Member Debbie Hunseder	Aye
Council Member Bill Regner	Aye
Mayor Doug Von Gausig	Aye

AN ORDINANCE OF THE TOWN OF CLARKDALE, ARIZONA, ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT MAKING AMENDMENTS TO THE TOWN OF CLARKDALE ZONING CODE, CHAPTER 4 GENERAL PROVISIONS, CHAPTER 8 OUTDOOR LIGHTING CODE; CHAPTER 9 LANDSCAPE DESIGN STANDARDS; CHAPTER 11 DESIGN REVIEW AND SITE PLAN REVIEW – Discussion and possible action of Ordinance #403, adopted by Resolution #1621, making amendments to the Town Zoning Code.

During the February 25, 2020 Council meeting the Council will first consider the adoption of Resolution #1621 that details changes made to Chapters 4, 8, 9 and 11 of the Clarkdale

Zoning Code. If the Council supports the adoption of the Code, and votes to make it a public record by adopting the Resolution, then the adoption of this proposed ordinance would be the final step in the process to formally adopt the "Zoning Code Chapter 4 General Provisions, Chapter 8 Outdoor Lighting Code, Chapter 9 Landscape Design Standards, and Chapter 11 Design Review and Site Plan Review".

Action: Adoption of Ordinance #403, an Ordinance of the Mayor and Council of the Town of Clarkdale, Arizona, Making Changes to the Clarkdale Zoning Code by Adopting by Reference that Certain Document Entitled "Zoning Code Chapter 4 General Provisions, Chapter 8 Outdoor Lighting Code, Chapter 9 Landscape Design Standards, and Chapter 11 Design Review and Site Plan Review", repealing conflicting Ordinances and providing for severability.

Motion: Councilmember Regner

Second: Vice Mayor Dehnert

Vote:

Voting Member	Aye/Nay
Council Member Scott Buckley	Aye
Vice Mayor Richard Dehnert	Aye
Council Member Debbie Hunseder	Aye
Council Member Bill Regner	Aye
Mayor Doug Von Gausig	Aye

VACANT AND ABANDONED BUILDINGS – Discussion and possible action regarding Resolution #1622, a resolution supporting legislation regarding vacant and abandoned buildings.

Arizona's rural municipalities have been approached by the League of Arizona Cities and Towns to support the legislation in passing House Bill 2705. This House Bill is devised to address vacant and abandon buildings within rural communities. The bill is intended to encourage absentee landowners to maintain their property and seek occupancy so the building can become a contributor in the local economy.

Several other cities and towns across the nation, in Texas, Utah, West Virginia, Nevada and Florida have passed similar models to provide tools to these communities. At this time there is already an existing abatement process outlined in state statute, but it is not always viable for smaller communities.

The legislature would like to create some mechanisms of best practices from the other states mentioned for successful application. Those practices are as follows:

1. Allow yearly inspections of vacant and abandoned buildings to ensure the building is not a threat to public safety or to first responders entering the building in an emergency.

2. Maintain a registry of properties with contact information so law enforcement has a direct contact to owners or their agent if there is suspected illegal activity, unauthorized persons on the property, or if there is an emergency.
3. Assess fees that may be escalated each year the property is vacant or abandoned to encourage absentee landowners to fix and place their property into productive use. Properties free of code violations and listed for sale or lease are not subject to fees or the requirements of the bill.
4. Expectations of the property owner are clearly outlined in the bill to maintain the property/buildings exterior, windows, utilities, and keep free of trash, debris and hazardous materials.
5. Provide landowners a process to appeal decisions made by the town/city.

Additionally, this bill would allow for the Town to acquire a search warrant for any abandoned/vacant property that was not registered with the Town and would require an inspection of the property. It would also require landowners to provide proof of insurance to allow for the liability of a vacant structure.

Town Code Article 9-5 addresses properties with violations such as trash, debris, hazardous materials, and dilapidated structures. This article allows Town staff to provide written notice to a property owner, imposes a possible cost to abate any violations and may include a list of contractors or professional services available. If the property owner does not remedy the situation within 30 days of the notice, the Town can make the necessary repairs to abate the violation and impose the actual cost of work as an assessment upon the property. If the assessment is not paid, a recorded lien can be assessed to the property.

Town Manager Hlavinka presented information on this agenda item to Council.

Action: Adopt Resolution #1622, a resolution supporting legislation regarding vacant and abandoned buildings in the form of House Bill 2705.

Motion: Vice Mayor Dehnert

Second: Councilmember Hunseder

Vote:

Voting Member	Aye/Nay
Council Member Scott Buckley	Aye
Vice Mayor Richard Dehnert	Aye
Council Member Debbie Hunseder	Aye
Council Member Bill Regner	Aye
Mayor Doug Von Gausig	Aye

CABLE ONE INC./SPARKLIGHT AGREEMENT – Discussion and possible action regarding a Video Service License Agreement with Cable One Inc., dba Sparklight.

Senate Bill 1140 addressed video service license agreements and was passed on May 16, 2018. Relevant sections of the bill give local governments exclusive authority to issue

uniform video services licenses to a person or persons to provide video service and to construct and operate video service networks in any service areas within its boundaries. SB 1140 states "On or before July 1, 2019, each local government shall adopt a standard form of uniform video service license agreement for video service providers...and a standard for of application and affidavit..." Staff adapted the documents provided by the Arizona League of Cities and Towns for this purpose and put them into place by the required date.

Currently the Town has a franchise agreement with Cable One, Inc. to provide these services. Cable One's agreement expires March 21, 2020 and the new law regulating the video service agreements replaces the older franchise agreements for video service providers.

Town Attorney, Stephen Polk, agreed that SB 1140 was unclear if the adoption of the documents should be done administratively or by Council approval, however noted it would be 'safer' to accomplish this by ordinance. The Council has now adopted the form of Agreement, Affidavit and Application for Video Services Licensing by Ordinance #402 (via Resolution #1619) and staff now comes to the Council for approval of the provider contract and agreement.

Town Clerk Mary Ellen Dunn presented information on this agenda item to Council. Discussion followed regarding restrictions of SB 1140 and what leniency was afforded to municipalities in the creation of the agreements.

Action: Approve the Video Service License Agreement with Cable One Inc., dba Sparklight.

Motion: Councilmember Hunseder

Second: Councilmember Regner

Vote:

Voting Member	Aye/Nay
Council Member Scott Buckley	Aye
Vice Mayor Richard Dehnert	Aye
Council Member Debbie Hunseder	Aye
Council Member Bill Regner	Aye
Mayor Doug Von Gausig	Aye

FUTURE AGENDA ITEMS - Listing of items to be placed on a future council agenda.

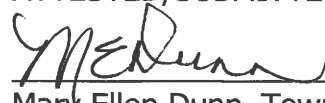
ADJOURNMENT: Without objection Mayor Doug Von Gausig adjourned the meeting at 4:35 P.M.

APPROVED:



Doug Von Gausig, Mayor

ATTESTED/SUBMITTED:



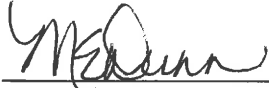
Mary Ellen Dunn, Town Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the Town Council of the Town of Clarkdale, Arizona held on the 25th day of February 2020. I further certify that meeting was duly called and held and that a quorum was present.

Dated this 10th day of March, 2020.

SEAL



Mary Ellen Dunn, Town Clerk